

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LI HUA QIAO,

Petitioner

07 Civ. 3727 (SHS)

-against-

UNITED STATES OF AMERICA,
Respondent,

REPLY DECLARATION OF LI HUA QIAO

1. I am the petitioner in this case and submit this reply declaration in support of my application for coram nobis vacating my criminal conviction and to rebut the government's apparent claim about allegedly unexplained delay in submitting this application.

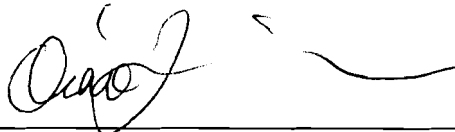
2. When I was placed in removal proceedings I retained counsel to defend me in those proceedings. The first attorney engaged was Thomas Massucci at 401 Broadway in New York, New York followed by Denis McAllister in Williston Park, New York and Vlad Kuzmin of Kuzmin & Associates, P.C. at 225 Broadway in New York, New York. They advised me to fight removal proceedings and that I was eligible for relief from removal. In particular, Mr. McAllister advised me that my conviction was not for an aggravated felony and that I was eligible for relief from removal. This advice seemed reasonable to me under the circumstances since my prior criminal defense attorney Mr. Robert Fink had advised that my conviction would not make me deportable. Mr. Kuzmin recommended that I seek the to have the United States Immigration &

Customs Enforcement drop removal proceedings. At no point, however, did any of my prior attorneys in the immigration proceedings advise me that I could or should make the present application for coram nobis.

3. After my prior attorneys were unable to persuade the Immigration Court that I had not been convicted of an aggravated felony and was eligible for relief from removal and after my effort to have the case dropped proved unsuccessful, I sought new counsel and retained my present attorney Mr. Moseley, who, after reviewing my entire case, advised me for the first time in this matter that I had been misled about the immigration consequences of my guilty plea and that I could apply for coram nobis to vacate my conviction.

I declare under penalty of perjury in accordance with 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on October 29, 2007

A handwritten signature in black ink, appearing to read 'Li Hua Qiao', is written over a horizontal line.

LI HUA QIAO